

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) *Arizona Laws Relating to Environmental Quality*, 1993 edition, reprinted from *Arizona Revised Statutes*, Title 49, Sections 49–901 through 49–905; 49–922.01; 49–927; 49–929 through 49–942; and 49–944.

(ii) *Arizona Administrative Code*, Title 18, Chapter 8, December 31, 1994, Sections R18–8–261.J; R18–8–261.L; R18–8–269; and R18–8–270.G.

(4) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region IX and the Arizona Department of Environmental Quality, signed by the EPA Regional Administrator on June 20, 1991, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) *Statement of Legal Authority*. “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Arizona on September 13, 1984, and revisions, supplements and addenda to that Statement dated November 22, 1989, October 31, 1990, August 23, 1993 (two documents), and February 3, 1995, are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Program Description*. The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[60 FR 44279, Aug. 25, 1995]

§§ 272.152–272.199 [Reserved]

Subpart E—Arkansas

§ 272.200 [Reserved]

§ 272.201 Arkansas State-administered program: Final authorization.

(a) Pursuant to Section 3006(b) of RCRA, 42 U.S.C. 6926(b), Arkansas has final authorization for the following elements as submitted to EPA in Arkansas’ base program application for

final authorization which was approved by EPA effective on January 25, 1985. Subsequent program revision applications were approved effective on August 23, 1985, May 29, 1990, November 18, 1991, December 4, 1992 and December 21, 1994.

(b) *State Statutes and Regulations*. (1) The Arkansas statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Arkansas Statutory Requirements Applicable to the Hazardous Waste Management Program, dated March, 1995.

(ii) EPA Approved Arkansas Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated March, 1995.

(2) The following statutes and regulations concerning State enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 1993 Replacement, Sections 8–7–204 (except 8–7–204(e)(3)(B)), 8–7–205 through 8–7–214, 8–7–217, 8–7–218, 8–7–220, 8–7–222, 8–7–224 and 8–7–225(b) through 8–7–225(d).

(ii) Arkansas Resource Reclamation Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 1993 Replacement, Sections 8–7–302(3), 8–7–303, 8–7–308(1), and 8–7–308(4).

(iii) Arkansas Department of Pollution Control and Ecology (ADPC&E) Regulation No. 23, Hazardous Waste Management, as amended August 27, 1993, effective September 21, 1993, chapter two, sections 3a(11), 3b, 3c, 4, 6a, 6d through 6m, 7, 8, 12b(7), 12c (except 12(c)(10) and 12(c)(11)), 12d, 12e, 14a, 17; chapter three, sections 19 and 20; chapter five, section 26.

(iv) Arkansas Department of Pollution Control and Ecology, Regulation No. 7, Civil Penalties, May 25, 1984.

(v) Arkansas Department of Pollution Control and Ecology, Regulation No. 8, Administrative Procedures, July 6, 1984.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part

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of the authorized program, and are not incorporated by reference:

(i) Arkansas Hazardous Waste Management Act, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 1993 Replacement, Section 8-7-226.

(ii) Arkansas Department of Pollution Control and Ecology Regulation No. 23, Hazardous Waste Management, as amended as amended August 27, 1993, effective September 21, 1993, chapter two, sections 2a(5) (only the second sentence), 2b(11), 3a(10), 11, 16a, and portions of sections 16c and 16d that refer to PCBs; and chapter four, section 23.

(4) *Unauthorized State Provisions:* Arkansas has adopted but is not authorized for the September 1, 1988 (53 FR 33938) and the July 1, 1991 (56 FR 30200) amendments to Parts 264 and 265 addressing liability requirements. Thus, the portions of the Arkansas Hazardous Waste Management code, chapter 2, sections 3a(5) and 3a(6) adopting the September 1, 1988 and the July 1, 1991 amendments are not part of the State's authorized program and are not Federally enforceable.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the State of Arkansas signed by the EPA Regional Administrator on November 3, 1994 is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority.* "Attorney General's Statement for Final Authorization", signed by the Attorney General of Arkansas on July 9, 1984 and revisions, supplements and addenda to that Statement dated September 24, 1987, February 24, 1989, December 11, 1990, May 7, 1992, and by the Independent Legal Counsel on May 10, 1994 are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program

under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[60 FR 32112, June 20, 1995]

EFFECTIVE DATE NOTE: At 75 FR 36544, June 28, 2010, §272.201 was revised, effective Aug. 27, 2010. For the convenience of the user, the revised text is set forth as follows:

§ 272.201 Arkansas State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Arkansas final authorization for the following elements as submitted to EPA in Arkansas' Base program application for final authorization which was approved by EPA effective on January 25, 1985. Subsequent program revision applications were approved effective on May 29, 1990; November 18, 1991; December 4, 1992; December 21, 1994, June 24, 2002, October 15, 2007, and August 27, 2010.

(b) The State of Arkansas has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) State Statutes and Regulations.

(1) The Arkansas statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference is approved by the Director of the FEDERAL REGISTER in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the Arkansas statutes that are incorporated by reference are available from Michie Publishing, 1275 Broadway Albany, New York 12204, Phone: (800) 223-1940. Copies of the Arkansas regulations that are incorporated by reference are available from the Arkansas Department of Environmental Quality Web site at <http://www.adeq.state.ar.us> or the Public Outreach Office, ADEQ, Post Office Box 8913, Little Rock, AR 72219-8913, Phone: (501) 682-0923. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665-8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The Binder entitled "EPA Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program", dated October 2007.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 4, Business and Commercial Law, Chapter 75: Section 4–75–601(4) “Trade Secret”.

(ii) Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 1: Section 8–1–107.

(iii) Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Sections 8–7–205 through 8–7–214, 8–7–217, 8–7–218, 8–7–220, 8–7–222, 8–7–224 and 8–7–225(b) through 8–7–225(d).

(iv) Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2005 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Sections 8–7–204 (except 8–7–204(e)(3)(B)), 8–7–227.

(v) Arkansas Resource Reclamation Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 7, Subchapter 3: Sections 8–7–302(3), 8–7–303, 8–7–308.

(vi) Remedial Action Trust Fund Act of 1985, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 7, Subchapter 5: Sections 8–7–505(3), 8–7–507, 8–7–511.

(vii) Remedial Action Trust Fund Act of 1985, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2005 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 5: Sections 8–7–503(6) and (7), 8–7–508, 8–7–512.

(viii) Arkansas Freedom of Information Act (FOIA) of 1967, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2005 Supplement, Title 25, State Government, Chapter 19: Sections 25–19–103(1), 25–19–105, 25–19–107.

(ix) Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended December 9, 2005, effective March 23, 2006, Chapter One; Chapter Two, Sections 1, 2, 3(a), 3(b)(3), 4, 260.2, 260.20(c) through (f), 261 Appendix IX, 270.7(h) and (j), 270.10(e)(8), 270.34; Chapter Three, Sections 19 and 21, 22; Chapter Five, Section 28.

(x) Arkansas Pollution Control and Ecology (APC&E) Commission, Regulation No. 7, Civil Penalties, July 24, 1992.

(xi) Arkansas Pollution Control and Ecology (APC&E) Commission, Regulation No. 8, Administrative Procedures, June 12, 2000.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, and are not incorporated by reference:

(i) Arkansas Hazardous Waste Management Act, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Section 8–7–226.

(ii) Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended December 9, 2005, effective March 23, 2006, Chapter Two, Sections 6, 262.13(c), 262.24(d), 263.10(e), 263.13, 264.71(e), 265.71(e); Chapter Three, Section 25.

(4) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region VI and the State of Arkansas, signed by the Executive Director of the Arkansas Department of Environmental Quality (ADEQ) on November 3, 2000, and by the EPA Regional Administrator on April 5, 2002, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) *Statement of Legal Authority*. “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Arkansas on July 9, 1984 and revisions, supplements, and addenda to that Statement dated September 24, 1987, February 24, 1989, December 11, 1990, May 7, 1992 and by the Independent Legal Counsel on May 10, 1994, February 2, 1996, March 3, 1997, July 31, 1997, December 1, 1997, December 12, 2001, and July 27, 2006 are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Program Description*. The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

§§ 272.202–272.249 [Reserved]

Subpart F—California

§§ 272.250–272.299 [Reserved]

Subpart G—Colorado

§§ 272.300–272.349 [Reserved]

Subpart H—Connecticut

§§ 272.350–272.399 [Reserved]

Subpart I—Delaware

§ 272.400 State authorization.

(a) The State of Delaware is authorized to administer and enforce a hazardous waste management program in